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November 19, 2014

VIA ECF

United States District Judge Vernon S. Broderick
United States District Courthouse
Southern District of New York
40 Foley Square
New York, New York 10007

RE: RAPILLO v. FINGERHUT, HOLZER et al.
Docket No.: 09-CV-10429(VSB)
Our File No.: 17-7394

Dear Honorable Justice Broderick:

We have had continuing discussions with representatives of the office of the District Attorney of the County of New York concerning our request for information relative to the Cayman Islands account of Fingerhut Holzer Funds, LLC. We have been informed on more than one occasion that they do not have information that they care to share with counsel to this litigation. The indication is that they have elected not to open a grand jury investigation into the matter. They have been advised by the undersigned that we were not looking for a grand jury investigation. All we were looking for was information on the identities and origins of the creators of these accounts and any information concerning their usage. We are at an impasse on the issue.

Only direct intervention by this court with the District Attorney's Office will prompt any further activity. We are no longer able to have productive discussions with the District Attorney.

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The undersigned would request a letter or telephone communication from this court to the New York County District Attorney asking for further cooperation on this issue.

We will schedule the depositions of the defendants Fingerhut and Holzer in the immediate future and report to the court when the depositions are completed.

Thank you very much for your continued cooperation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert J. Conway". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Robert J. Conway

RJC:nr

cc: **Via E-Mail**

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